

DCO-084

July 6, 2015

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

MILVEEN ENVIRONMENTAL SERVICES

Respondent

:
:
: No. 15-2439
:
: Board Case Nos.:
: 22-CA-096873
: 22-CA-105863
:
:

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

Before: Fisher, Shwartz and Greenberg, Circuit Judges

This cause was submitted upon the application of the National Labor Relations Board for summary entry of a judgment against Respondent, Milveen Environmental Services, its officers, successors, and representatives, enforcing its order dated April 3, 2015, in Case Nos. 22-CA-096873 and 22-CA-105863, and the Court having considered the same, it is hereby

ORDERED AND ADJUDGED by the Court that the Respondent Milveen Environmental Services, its officers, successors, and representatives, shall abide by said order (See Attached Order and Appendix).

Mandate shall issue forthwith.

BY THE COURT

s/ Patty Shwartz
Circuit Judge

DATED: 07/16/2015

NATIONAL LABOR RELATIONS BOARD

v.

MILVEEN ENVIRONMENTAL SERVICES

ORDER

Milveen Environmental Services, Bronx, New York and Hackensack, New Jersey, its officers, agents, successors and assigns shall

1. Cease and desist from

- (a) Coercively interrogating its employees concerning their membership in or activities on behalf of Local 32BJ, Service Employees International Union (the Union).
- (b) Informing employees or applicants for employment or it intends to operate as a non-union business or that employees would be hired without the Union.
- (c) Refusing to recognize and bargain in good faith with Local 32BJ, Service Employees International Union, as the exclusive collective-bargaining representatives of its employees in the following appropriate unit:

All full-time and part-time employees employed at Bergen County Public Building, One Bergen County Plaza, Hackensack, New Jersey, excluding guards and supervisors as defined in the Act.
- (d) Unilaterally changing wages, hours and other terms and conditions of employment of the employees in the above-described unit without first giving notice to and bargaining with the Union about these changes.
- (e) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Notify the Union in writing that it recognizes the Union as the exclusive representative of its unit employees under Section 9(a) of the Act and that it will bargain with the Union concerning terms and conditions of employment for employees in the above-described appropriate unit.
 - (b) Recognize and, on request, bargain with the Union as the exclusive representative of the employees in the above-described appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement.
 - (c) On request of the Union, rescind any departures from terms and conditions of employment that existed for the employees previously employed by Maverick Building Services, Inc. (Maverick), retroactively restoring preexisting terms and conditions of employment until it negotiates in good faith with the Union to agreement or to impasse.
 - (d) Make whole, in the manner set forth in the remedy section of this decision, the unit employees for losses caused by the Respondent's failure to apply the terms and conditions of employment that existed for the employees when they were employed by Maverick.
 - (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
 - (f) Within 14 days after service by the Region, post at its Hackensack, New Jersey facility copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondent's authorized representative, shall be posted by the

Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 1, 2012.

- (g) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this Notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

WE WILL NOT inform our employees or applicants for employment that we intend to operate with no union or that our employees would be hired without the Union.

WE WILL NOT refuse to recognize and bargain in good faith with Local 32BJ, Service Employees International Union as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All full-time and part-time employees employed at Bergen County Public Building, One Bergen County Plaza, Hackensack, New Jersey, excluding guards and supervisors as defined in the Act.

WE WILL NOT unilaterally change wages, hours and other terms and conditions of employment of the employees in the above-described unit without first giving notice to and bargaining with the Union about these changes.

WE WILL NOT in any like or related manner interfere with, restrain or coerce employees in the exercise of the rights guaranteed them by Section 7 of the Act.

WE WILL notify the Union in writing that we recognize it as the exclusive representative of its unit employees under Section 9(a) of the Act and that we will

bargain with the Union concerning terms and conditions of employment for employees in the above-described appropriate unit.

WE WILL recognize and, on request, bargain with the Union as the exclusive representative of the employees in the above-described appropriate unit concerning terms and conditions of employment and, if an understanding is reached, embody the understanding in a signed agreement.

WE WILL on request of the Union, rescind any departures from terms and conditions of employment that existed for the employees previously employed by Maverick Building Services, Inc., retroactively restoring preexisting terms and conditions of employment until we negotiate in good faith with the Union to agreement or to impasse.

WE WILL make whole, our employees for losses caused by our failure to apply the terms and conditions of employment that existed for the employees when they were employed by Maverick, plus interest.

Milveen Environmental Services

(Employer)

Dated: _____ By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

20 Washington Place, 5th Floor
Newark, New Jersey 07102-3110
Hours: 8:30 a.m. to 5 p.m.
973-645-2100.

The Administrative Law Judge's decision can be found at www.nlr.gov/case/22-CA-096873 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the

Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, 973-645-3784.